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10/567,501

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EXAMINER

LIN, SAMUEL S

ART UNIT

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3634

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04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,501	Applicant(s) JONSON, CARL	
	Examiner SAMUEL S. LIN	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/06/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

1. The abstract of the disclosure is objected to because of the use of the implied phrase "The disclosure relates to". Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 recites the limitation "...over the recess..." in line 4 of claim 5. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specific limitation that renders the claim indefinite is in claim 1, applicant claims, "...the slats being displaceable between a first position screening-off the space and an open, second position..." According to claim 1, the second position is the "open" position. However, applicant claims in claim 11,

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“...wherein the screening-off first position is a raised position and the open, second position is a lowered position.” How is it possible to have the second position be both the open and lowered position? For purposes of examination, examiner will read the claims as written. However, applicant is to clearly point out and distinctly claim the differences upon correction.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

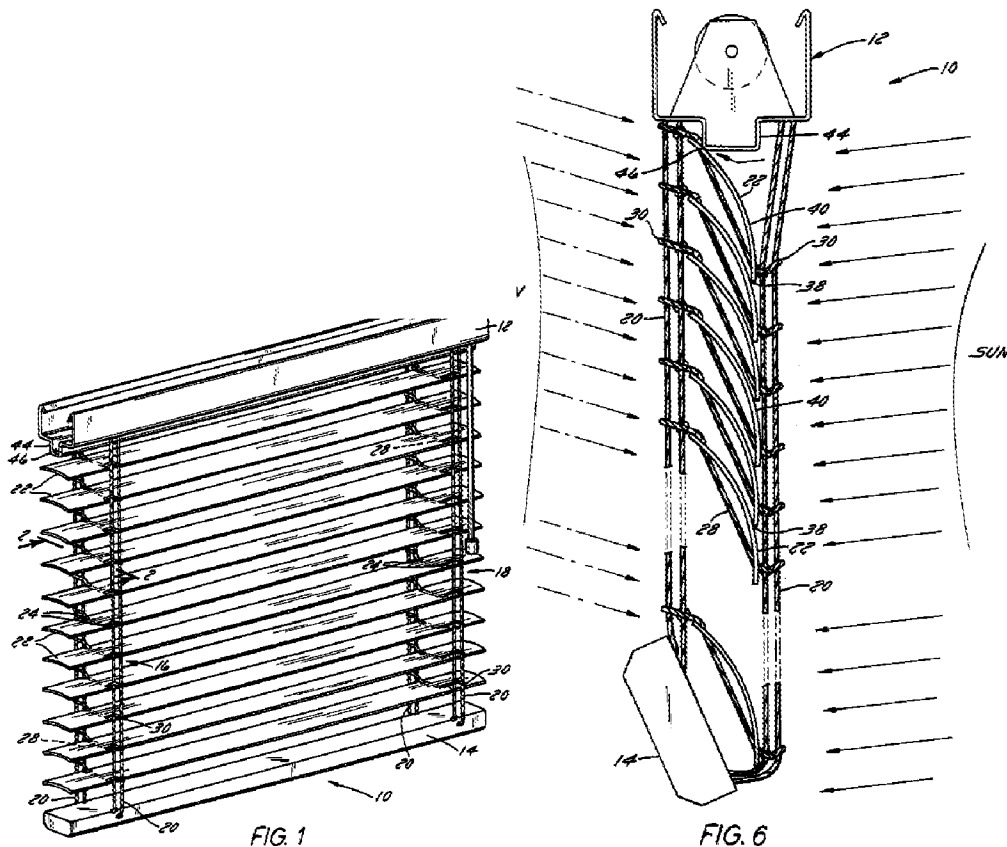
5. Claims 1 – 5 and 10 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Voss et al. (5,582,226).

- An arrangement (10) for screening-off a space and preventing liquid from splashing outside the space, comprising a plurality of lamellae or slats (22) displaceable via an operating element, and having a first side, a second side, short sides, a first longitudinal side and a second longitudinal side, the slats being displaceable between a first position screening-off the space and an open,

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1, the blind assembly 10 includes a headrail 12, a bottom rail 14, two ladder cord assemblies 16 and 18, lift cords 20 and a plurality of slats 22. As shown in FIG. 1, each blind slat 22 is provided with two pairs of holes 24 adjacent to the opposite edges of the slat at the locations of each of the ladder cords 16 and 18. As further shown in FIG. 3, each of the holes 24 is connected to the adjacent edge of the slat 22 by a slit 26. As shown in FIG. 1, and in further detail in FIG. 2, each of the horizontal rungs 28 of the ladder cord assemblies 16 and 18 passes through one of the pairs of holes 24 in the slats 22 such that it extends over the top of the edges of each of the slats and under the center portion of each of the slats.

second position (see Figure 6),



comprise

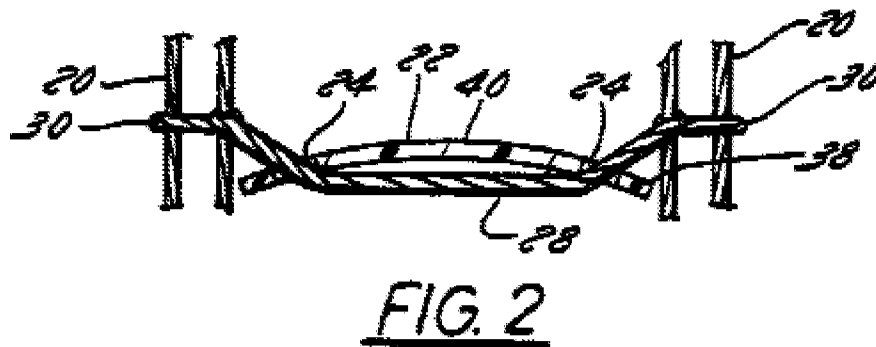
in that the first longitudinal side of the slat (22) is free; and that the slats are supported by at least one ladder (16) disposed at the second longitudinal side, the slats (22) being vertically displaceable via the operating element between the first position (see Figure 6) screening-off the space and the open,

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second position (see Figure 1), and the slats (22) being pivotal about an axis (see Figure 6) which extends along the second longitudinal side and is substantially horizontal ; and

that the slats (22) are distributed along the ladder (16) with a mutual spacing such that the first longitudinal side of each respective slat (22), in the screening-off first position, projects over the second longitudinal side of an adjacent slat (22).

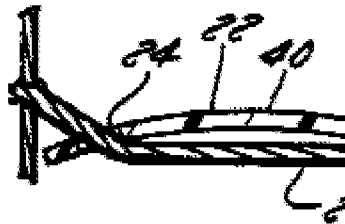
- Wherein the ladder (16, 20, 28) runs through a recess (24) in each respective slat (22), the recess being disposed at an edge portion (38) of the second longitudinal side of the slats (see Figure 2, both the first and second longitudinal drives have this limitation).



- Wherein the recess (24) projects in to the slat (22) and is designed as a recess in and transversely of the second longitudinal side of the slat, so that the ladder (16) may be moved into the recess (24) from the second longitudinal side.
- Wherein the ladder (16) includes abutments (28) projecting transversely of the extent of the ladder for supporting the slats (22).

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- Wherein a plurality of abutments (28) are distributed along the ladder (16) with a mutual spacing which is less than the width of each respective slat so that the first longitudinal side of each respective slat (22) in the screening-off first position, projects over the recess in the second longitudinal side of an adjacent slat (see Figure 5, where the upper slat, 34, has an edge or first longitudinal end, which covers the recess, 32, of the adjacent slat below it).
- Wherein the slat includes a bend designed for abutment against the operating element so as to prevent wear thereto. (see Figure 2, note the curve prevents the end of element 22 from rubbing against the operating element, 20)



- Wherein the screening-off first position (Fig 6) is a raised position and the open, second position is a lowered position (Fig 1).

Referring to FIG. 6, it will be seen that by utilizing the blind assembly of this invention, as shown in FIG. 1, the blind slats are permitted to fully close upon each other in the closed position. That is, for instance, the lower edge 38 of a slat 22 is brought into engagement with the upper surface 40 of the next lower slat 22. With the lower edge of a slat engaging the upper surface of the next lower slat, throughout the blind assembly, the infiltration of light and sound and the movement of air between the slats is essentially blocked. Further, it will be observed that neither the lift cords 20 nor the ladder rungs 28 interfere with the closing of the slats.

To further prevent the infiltration of light, sound and air between the headrail 12 and the uppermost slat 22, a rectangular projection 44 is provided on the bottom surface of the headrail 12. As will be seen in FIG. 6, a lower corner 46 of the projection 44 engages the upper surface of the uppermost slat 22, in a manner much similar to the engagement of the lower edge of each slat with the upper surface of the next lower slat. Thus, light and sound infiltration and the movement of air is also prevented between the headrail and the uppermost slat.

Further, examiner notes "raised" and

"lowered" do not indicate with respect to any particular reference point.

- Wherein the first space is a shower or bathing area.

Examiner notes that this claim relates only to the intended use as long as Voss et al. is capable of this use, it meets the claim.

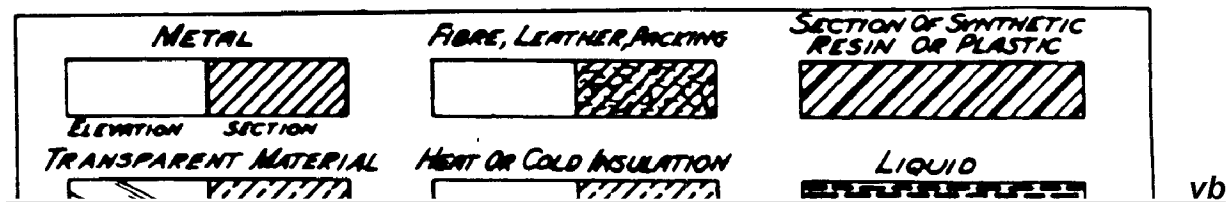
- Wherein the arrangement is a liquid-repellent Venetian blind or louver.

Re claim 13; Per DRAWING SYMBOLS, MPEP 37 CFR 1.84(n) indicates that graphic drawing symbols and other labeled representations may be used for conventional elements where appropriate, subject to approval by the Office. Also, suitable legends may be used, or may be required, in proper cases. For examples of suitable symbols and legends, see the "Guide for the Preparation of Patent Drawings" available from the USPTO web site at www.uspto.gov....

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The following symbols should be used to indicate various materials where the material is an important feature of the invention. The use of conventional features is very helpful in making prior art searches.

Note that "24" is indicated as made of resin/plastic, which is liquid-resistant.



Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

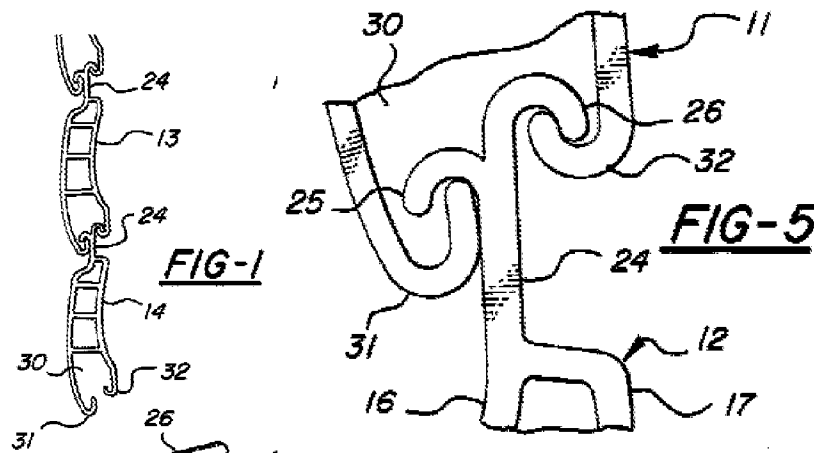
7. Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss et al. (5,582,226) in view of Hoffman (U.S. Patent 5,611,383).

- Wherein the abutment is designed to be snapped in position in a groove provided in the slat and corresponding to the abutment.
- Wherein the slats include a projecting portion for abutment against an adjacent slat in the open, second position while forming an air gap between adjacent slats.
- Wherein the projecting portion is disposed at the second longitudinal side of each respective slat.

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- Wherein the projecting portion is designed with a curvature so as to prevent liquid splashing from beneath.

8. With reference to Figures 1 and 3 – 5, Hoffman '383 discloses:



- Wherein the abutment is designed to be snapped in position in a groove (26) provided in the slat (11, 12, 13, 14) and corresponding to the abutment.
- Wherein the slats (11, 12, 13, 14) include a projecting portion (25) for abutment against an adjacent slat in the open, second position while forming an air gap between adjacent slats. (Examiner notes inevitably there is some gap for some air between the slats)
- Wherein the projecting portion (25) is disposed at the second longitudinal side of each respective slat (11, 12, 13, 14).

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Voss et al. such that it has an

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abutment that is designed to be snapped on in a position in a groove provided in the slat and corresponding to the abutment, since it was known in the art that use of such a configuration in slats was commonly known and used in the time of the invention. Using an abutment and a portion with a groove corresponding to the abutment allows for a tighter fit in the components.

roll-up shutters. However, the hook and groove engagements, which are concealed within the edges of the slats, provide substantial reinforcement against penetration.
10 Another object of this invention is to provide an improved slat connection which provides, without any substantial increase in cost and without any need for additional labor, substantial reinforcement of what otherwise appears to be a conventional roll-up shutter.
15 Still another object of this invention is to provide a conventional appearing shutter made of what appears to be conventional extruded metal or plastic slats that have inexpensive easy to assemble connections that provide impact
20 resistance reinforcements for the shutter.

Furthermore, it would have been an obvious matter of design choice to modify Voss et al. such that the second or closed position forms an air gap between adjacent. Inevitably, any space between slats will have an air gap. Finally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voss et al. such that the projecting portion is disposed at the second longitudinal side of each respective slat, since it was known in the art that this configuration was commonly known and used in the art at the time of the invention. Using a projecting portion is commonly know and used in the art to allow the slat to be hooked in different configurations.

10. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss et al. (5,582,226) in view of Kimmons (U.S. Patent 2,668,298).

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- Wherein the arrangement includes a cap connected to the slats, the cap including a locking housing for locking the slats in the open, second position.

11. With reference to Figures 1 – 4, Kimmons '298 discloses:

- Wherein the arrangement includes a cap (20) connected to the slats (14), the cap including a locking housing for locking the slats in the open, second position.

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voss et al. such that the arrangement includes a cap connected to the slats. The cap including a locking housing for locking the slats in the open, second position since it was known in the art that that such a configuration was commonly known and used in the art at the time of the invention. The cap is capable of holding the slats open by interfering with adjacent slats.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL S. LIN whose telephone number is (571)270-3130. The examiner can normally be reached on Mon-Thu 7:30am - 6PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine W. Mitchell can be reached on (571) 272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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